

1 MAYER BROWN LLP
LEE H. RUBIN (SBN 141331)
lrubin@mayerbrown.com
2 EDWARD D. JOHNSON (SBN 189475)
wjohanson@mayerbrown.com
3 DONALD M. FALK (SBN 150256)
dfalk@mayerbrown.com
4 ERIC B. EVANS (SBN 232476)
eevans@mayerbrown.com
5 ANNE M. SELIN (SBN 270634)
aselin@mayerbrown.com
6 Two Palo Alto Square, Suite 300
3000 El Camino Real
7 Palo Alto, CA 94306-2112
Telephone: (650) 331-2000
8 Facsimile: (650) 331-2061

9 *Attorneys for Defendant*
10 *Google Inc.*

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

16 THIS DOCUMENT RELATES TO:

17 ALL ACTIONS
18
19
20
21
22
23
24
25
26
27
28

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF WILLIAM G.
BERRY RE: APRIL 15, 2013 ORDER**

1 I, William G. Berry, declare as follows:

2 1. I am a Litigation Counsel at Defendant Google Inc. ("Google"), and I have held
3 that position since May 2012. I am one of the in-house attorneys at Google responsible for the
4 above-captioned matter. I am a member of the State Bar of California and am admitted to
5 practice law before this Court. Pursuant to the Court's Order dated April 15, 2013 (Dkt. 402), I
6 submit this declaration regarding Google's production of documents related to compensation
7 based on my personal knowledge of the facts from my own involvement in the collection and
8 production of documents, including from information provided to me by others directly involved
9 in that process. If called as a witness, I could and would competently testify to them.

10 2. In response to Plaintiffs' document requests and pursuant to agreements reached
11 between Plaintiffs and Google at the outset of discovery in this case and during the course of
12 discovery, Google produced the following documents within its possession, custody, or control
13 related to compensation:

14 a. Google produced documents related to compensation from the custodial
15 files of 22 current and former Google employees. This custodial production was based
16 on reasonable and diligent searches by Google, including electronic searches of each
17 custodian's files. Plaintiffs and Google agreed to the identity of Google custodians, the
18 specific electronic search terms to be applied and other criteria for responsiveness, and
19 the specific time period in which custodians' files were searched.

20 b. Google produced documents related to compensation from non-custodial
21 sources (*i.e.*, documents in Google's possession but not in the files of the agreed-to
22 Google custodians). This non-custodial production was based on reasonable and diligent
23 searches by Google pursuant to criteria for responsiveness agreed to by Plaintiffs and
24 Google.

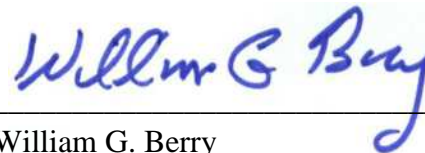
25 c. Google produced compensation data from Google's human resources and
26 recruiting databases for each year in the discovery period as defined by the parties (*i.e.*,
27 January 1, 2001 to February 1, 2012). This data production was based on Google's
28 reasonable and diligent identification of the databases containing the data requested by

1 Plaintiffs and Google produced specific categories of data as agreed to by Plaintiffs and
2 Google.

3 d. Google also produced documents related to compensation in response to
4 Plaintiffs' follow-up requests for specific compensation-related material. These follow-
5 up productions were based on reasonable and diligent searches by Google for the
6 requested information related to compensation.

7 3. To the best of my knowledge, as a result of the productions described above,
8 Google has produced all documents related to compensation within its possession, custody, or
9 control based on reasonable and diligent searches and reviews in accordance with agreements
10 between Plaintiffs and Google and in response to Plaintiffs' discovery requests.

11 I declare under penalty of perjury that the foregoing is true and correct. Executed on
12 April 24, 2013 in Mountain View, California.

13
14 

15 William G. Berry
16
17
18
19
20
21
22
23
24
25
26
27
28